

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEVI M. ROYAL,

Defendant.

NO. CR18-306 RAJ

ORDER DISMISSING  
THE INDICTMENT  
WITHOUT PREJUDICE


THIS MATTER has come before the Court on the Government's Unopposed Motion to Dismiss the Indictment Without Prejudice. The Court having considered the Motion and records in this case finds compelling reasons to grant the government's request for leave to dismiss without prejudice. Those reasons include the Defendant's present ability to access the State of Washington mental health evaluation and competency determination process, thereby mitigating the risks associated with continued delays in accessing the federal mental health restoration process. In addition, the Court having been advised by the parties of the following affirmative representations, finds due consideration has been given to keeping the government advised of the Defendant's progress with any State mandated mental health processes, thereby facilitating notice to

affected parties upon Defendant's release to the community:

1. Defendant's counsel will undertake reasonable steps to insure Defendant is immediately detained following dismissal of the Indictment pending his transport to a medical facility consistent with the State of Washington civil commitment process;
2. Defendant's counsel will routinely monitor Defendant's progress throughout the civil commitment process and provide the government with status updates, including the timing and outcome of hearings, and any potential release plans;
3. Defendant's counsel shall notify the government immediately upon learning that Defendant has been released to the community;
4. Defendant's counsel will maintain contact with Defendant's family for purposes of monitoring Defendant's progress throughout the civil commitment process and provide the government with status updates;
5. To the extent practicable, and should the Defendant's treatment progress to imminent release to the community, Defendant's counsel will not support Defendant's immediate placement into an independent living scenario as an alternative to placement with family members.

IT IS HEREBY ORDERED that the government's unopposed motion to dismiss the Indictment without prejudice solely for reasons related to Defendant's mental condition is GRANTED.

Dated this 24<sup>th</sup> day of April 2019.

  
RICHARD A. JONES  
United States District Judge

Presented by:

/s/ James D. Oesterle

JAMES D. OESTERLE

Assistant United States Attorney

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